

culture, manual training and domestic economy.

By Senator Lattimore:

Petition numerously signed by members of the Fort Worth District Missionary Institute of the Methodist church requesting that the words "sacramental purposes" be stricken from the bill forbidding the sale of intoxicating liquor.

By Senator Peeler:

Petition numerously signed by members of the Order of the Sons of Hermann asking the Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Peeler:

Petition numerously signed by citizens of his district asking the Legislature to change the present law so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas.

Saturday, January 28, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Collins. Weinert.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Watson:

"Whereas, the views of Senator Joseph W. Bailey on national and State issues are always entertaining and serviceable to the people of Texas; and,

"Whereas, we endorse his views as expressed in his speeches and vote in Congress on national tariff; now therefore be it

"Resolved, That Senator Bailey be cordially invited to address the Senate of Texas at such time in the month of February as may suit his convenience, and the Secretary of the Senate is hereby instructed to wire a copy of this resolution to Senator Bailey at Washington, D. C."

WATSON,
HUDSPETH,
ADAMS.

The resolution was read and adopted by the following vote:

Yeas—20.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Perkins.
Cofer.	Real.
Hudspeth.	Sturgeon.
Johnson.	Terrell, McLennan
Kauffman.	Terrell, Wise.
Lattimore.	Ward.
McNealus.	Watson.
Meachum.	Willacy.

Nays—2.

Mayfield. Vaughan.

Present—Not Voting.

Carter.	Townsend.
Peeler.	Warren.

Absent.

Collins.	Ratliff.
Greer.	Weinert.
Hume.	

SIMPLE RESOLUTION.

By Senator Hudspeth:

"Whereas, it appears from reliable sources that the Texas delegation in Congress, with the exception of the Congressman from San Antonio district, is in hearty accord with the movement to vote the Panama Canal Exposition to New Orleans; and

"Whereas, Texas is more closely identified in every way with her sister State, Louisiana; and,

"Whereas, the location of this exposition at New Orleans will redound to great good and commercial advantages to our Gulf ports in matters of commercial shipping; and,

"Whereas, we do not propose to dictate in any way to the Congressman from the San Antonio district, Mr. Slayden, as to his duties in Congress, or his official action in matters of national legislation; therefore, be it

"Resolved, That this Senate wire Mr. Slayden and request that if he can conscientiously do so he cast his vote for New Orleans for the location of this exposition; and the Secretary of the Senate is hereby instructed to wire a copy of this resolution to Mr. Slayden at Washington, D. C."

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Mayfield:

"Whereas, the Hon. W. J. Bryan is now in our State and is now and has always been a leader in the Democratic party and his speeches on the tariff question have always been entertaining and instructive, therefore be it

"Resolved, by this Senate, That he be invited to address the Senate in the near future, and that a copy of this invitation be wired him."

MAYFIELD,
M'NEALUS,
BRYAN.

The resolution was read and adopted by the following vote:

Yeas—22.

Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Greer.	Terrell, McLennan
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
Paulus.	Warren.
Peeler.	Willacy.

Nays—5.

Adams.	Murray.
Hudspeth.	Watson.
Meachum.	

Absent.

Collins.

Weinert.

PAIRED.

Senator McNealus (present) would vote "yea," Senator Hume (absent) would vote "nay."

BILLS AND RESOLUTIONS.

By Senator Terrell of McLennan:

Senate bill No. 138, A bill to be entitled "An Act creating a State highway department, and establishing a State highway engineer; prescribing the duties of each and fixing the compensation of said State highway engineer; authorizing State aid for the establishment, construction, maintenance, and repair of public highways, creating a fund by the license of automobiles, fixing a penalty for the failure to pay such license, and making appropriation for the carrying out of the purposes of this act, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Sturgeon:

Senate bill No. 139, A bill to be entitled "An Act providing for the levy and collection of an occupation tax from persons, firms, corporations of persons running or conducting pool or billiard tables; also authorizing each county and incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Watson:

Senate bill No. 140, A bill to be entitled "An Act to amend Section 1 of Chapter 128 of the Acts of the Twenty-sixth Legislature and Chapter 57 of the Thirtieth Legislature, approved April 3, 1907, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law, that the certificate thereto shall be prima facie evidence of a compliance with

the law to put same in force;' also to provide for the punishment of any one violating the same in force; also to provide for the punishment of any one violating the provisions of said Act, and adding thereto Section 20a and Section 20b, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Carter:

Senate bill No. 141, A bill to be entitled "An Act to reorganize the Second and Fourth Judicial Districts and to create the Seventy-first Judicial District of the State of Texas, and to fix a time of holding courts in said districts, and to fix the jurisdiction of the court for said Seventy-first Judicial District, and to provide for the appointment of a judge of said Seventy-first Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Carter:

Senate bill No. 142, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Harrison County, to conform to the jurisdiction of the District Court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Warren:

Senate bill No. 143, A bill to be entitled "An Act to amend Chapter Fifteen of Title 15 of the Penal Code of the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, by adding Article 713a after Article 713, prescribing that where a defendant by the introduction of evidence puts in issue the character of the deceased, and should an issue arise as to who commenced the difficulty it shall then be competent for the State to introduce evidence of the general character of the defendant, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Townsend:

Senate bill No. 144, A bill to be en-

titled "An Act to amend Section 20 of Chapter 10 of an Act of the Fourth Extraordinary Session of the Thirty-first Legislature, entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in such cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and control of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the prison commissioner; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.'"

Read first time and referred to Committee on State Penitentiaries.

By Senator Townsend:

Senate bill No. 145, A bill to be entitled "An Act to amend Section 6 of Chapter 10 of an Act of the Fourth Extraordinary Session of the Thirty-first Legislature, entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in such cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and control of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment

of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.' "

Read first time and referred to Committee on State Penitentiaries.

By Senator Townsend:

Senate bill No. 146, A bill to be entitled "An Act to amend Section 15 of Chapter 10 of an Act of the Fourth Extraordinary Session of the Thirty-first Legislature, entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in such cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and control of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the prison commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8, of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.' "

Read first time and referred to Committee on State Penitentiaries.

By Senator Townsend:

Senate bill No. 147, A bill to be entitled "An Act to amend Section 44 of Chapter 10, of an Act of the Fourth Extraordinary Session of the Thirty-first Legislature, entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in such cases; to

abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and control of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act.' "

Read first time and referred to Committee on State Penitentiaries.

By Senators Vaughan and Ward:

Senate bill No. 148, A bill to be entitled "An Act to provide that immaterial error and errors not excepted to at the time committed on the trial of criminal actions shall not be ground for new trial nor for reversal on appeal, and to repeal all laws and parts of laws in conflict with this act."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Ward:

Senate bill No. 149, A bill to be entitled "An Act to amend Article 574 of Title 18, Chapter 10 of Revised Statutes of the State of Texas."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Lattimore:

Senate bill No. 150, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries in counties with cities of certain population."

Read first time and referred to Committee on Towns and City Corporations.

Morning call concluded.

SENATE BILL NO. 61.

On motion of Senator Mayfield the pending order of business (simple resolutions) was suspended, and the Senate took up, out of its order, Senate bill No. 61, by the following vote:

Yeas—23.

Adams.
Astin.

Bryan.
Carter.

Greer.	Sturgeon.
Hudspeth.	Ratliff.
Johnson.	Real.
Cofer.	Terrell, McLennan
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Watson.
Peeler.	Willacy.
Perkins.	

Nays—2.

Present—Not Voting.

Vaughan.

Absent.

Collins.	Paulus.
Hume.	Weinert.
Kauffman.	

The Chair laid before the Senate on second reading,

Senate bill No. 164, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature, and approved April 12, 1907; also relating to the same subject, so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids for the safekeeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

Senator Warren offered the following amendment:

Amend Section 6, page 3, by inserting in line 16 after the word "bonds" the words "to the amount of twenty thousand dollars and shall require an additional deposit of personal bonds, signed by two or more good and sufficient sureties, to be approved by the Attorney General of the State of Texas, for such amount in excess of twenty thousand dollars as the deposit shall exceed that amount," and strike out all after the word "bonds," in line 16, on page 3,

all of line 17, and the two words, "banking institution" in line 18.

(President Pro Tem. Hudspeth in the chair.)

The amendment by Senator Warren was lost by the following vote:

Yeas—8.

Cofer.	Kauffman.
Greer.	Paulus.
Hume.	Ward.
Johnson.	Warren.

Nays—19.

Adams.	Ratliff.
Astin.	Real.
Bryan.	Sturgeon.
Carter.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Watson.
Meachum.	Willacy.
Peeler.	

Present—Not Voting.

Perkins.

Absent.

Collins.	Weinert.
Murray.	

Senator Townsend offered the following amendment:

Amend the bill so that wherever the word "congressional" appears that the word "senatorial" shall be inserted in lieu thereof.

The amendment was read and adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Bryan.	Sturgeon.
Carter.	Terrell, Wise.
Cofer.	Townsend.
Greer.	Vaughan.
Hume.	Ward.
Meachum.	Warren.
Murray.	

Nays—14.

Astin.	Peeler.
Hudspeth.	Perkins.
Johnson.	Ratliff.
Kauffman.	Real.
Lattimore.	Terrell, McLennan.
Mayfield.	Watson.
McNealus.	Willacy.

Absent.

Collins.

Weinert.

SIMPLE RESOLUTION.

By Senator Astin:

"Whereas, the Hon. Charles Davis of Bryan, formerly a distinguished member of the Thirtieth Legislature, from El Paso, is now in the gallery of the Senate, and

"Whereas, the Hon. Charles is now an honored member of the Agricultural and Mechanical College Board; therefore be it

"Resolved, That he be invited to address this body at once as to the experience of matrimonial life."

ASTIN.

HUDSPETH.

The above resolution was read and adopted.

In accordance with the above resolution, the Chair appointed Senators Astin, Meachum and Peeler to escort Mr. Davis to the President's chair. Mr. Davis spoke briefly to the Senate.

SENATE BILL NO. 61.

Action recurred on the pending bill, and Senator Townsend offered the following amendment:

Amend by striking out lines 10 and 11, page 2.

The amendment was read and adopted by the following vote:

Yeas—24.

Adams.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Willacy.

Nays—5.

Astin.	Lattimore.
Hudspeth.	Real.
Kauffman.	

Absent.

Collins.	Weinert.
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Senator Townsend offered the following amendment:

Amend bill by adding the words "thirty-one" instead of "sixteen" where same occurs in the bill.

Senator Cofer moved to reconsider the vote by which the amendment by Senator Townsend, amending the bill by striking out the word "congressional" and inserting the word "senatorial," was adopted.

The motion to reconsider prevailed by the following vote:

Yeas—18.

Astin.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Hudspeth.	Ratliff.
Hume.	Real.
Kauffman.	Terrell, McLennan
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	Willacy.

Nays—10.

Adams.	Sturgeon.
Carter.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Murray.	Warren.

Absent.

Collins.	Weinert.
Meachum.	

Action then recurred on that amendment, and Senator Mayfield moved to table same.

The motion to table prevailed by the following vote:

Yeas—18.

Astin.	Murray.
Cofer.	Peeler.
Hudspeth.	Perkins.
Hume.	Ratliff.
Kauffman.	Real.
Lattimore.	Terrell, McLennan
Mayfield.	Ward.
McNealus.	Watson.
Meachum.	Willacy.

Nays—11.

Adams.	Sturgeon.
Bryan.	Terrell, Wise.
Carter.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Paulus.	

Absent.

Collins.

Weinert.

Senator Mayfield then moved to reconsider the vote by which the lines 10 and 11, page 2, were stricken out.

The motion to reconsider was adopted, and on motion of Senator Mayfield the amendment was tabled.

Action then recurred on the pending amendment, and on motion of Senator Mayfield the same was tabled.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "sixteenths," in line 20, page 2, of the printed bill, and insert the words "equal portions according to the number of congressional districts," and by striking out the words "for each sixteenth" in line 21, page 2, of the printed bill.

Also amend by striking out the word "sixteenths," in line 29, page 2, and insert the words "equal portions as hereinbefore referred to."

Also strike out the word "two" at the end of line 22, page 2, and the word "sixteenths," at the beginning of line 23, and insert in lieu thereof the words "equal portions as hereinbefore referred to."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the words "two sixteenths," in line 1, page 3, of the printed bill and insert the words "two equal portions."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding after the period following the word "balances," in line 13, of page 3, of the printed bill the following: "For the purposes of this Act the term 'equal portions' shall be construed to mean 'as near as may be.'"

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.

Astin.

Bryan.
Cofer.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.
Meachum.
Murray.

Peeler.
Perkins.
Ratliff.
Real.
Sturgeon.
Terrell, McLennan.
Terrell, Wise.
Ward.
Watson.
Willacy.

Nays—5.

Carter.
Greer.
Paulus.

Townsend.
Vaughan.

Absent.

Collins.
Warren.

Weinert.

The bill was read third time and passed by the following vote:

Yeas—20.

Adams.
Astin.
Bryan.
Cofer.
Hudspeth.
Hume.
Kauffman.
Lattimore.
Mayfield.
McNealus.

Meachum.
Peeler.
Perkins.
Ratliff.
Real.
Terrell, McLennan.
Terrell, Wise.
Ward.
Watson.
Willacy.

Nays—8.

Carter.
Greer.
Johnson.
Murray.

Paulus.
Sturgeon.
Townsend.
Vaughan.

Absent.

Collins.
Warren.

Weinert.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

ADDITION TO STANDING COMMITTEE.

The Chair, Lieutenant Governor Davidson, here announced the appointment of Senator Mayfield as a member of the Committee on Finance.

ADJOURNMENT.

On motion of Senator Hume, the Senate, at 12:15 o'clock, adjourned until 10:00 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Printing, to whom is referred Senate Concurrent Resolution No. 3, "A Concurrent Resolution providing for the publication of the Manual of the Thirty-second Legislature,"

Beg to report that we have had same under consideration, and recommend that it do pass.

McNealus, Chairman; Perkins, Vaughan, Terrell of McLennan, Astin, Ward, Ratliff, Sturgeon, Terrell of wise.

Committee Room,
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to make it lawful for railway, express, railway news companies and telegraph companies to contract and enter into agreements with each other, for the exchange of service, and for transportation of officers, agents and employes of such companies, requiring such contracts and agreement to be filed with the Railroad Commission of Texas, and declaring an emergency;"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following Committee amendments:

1. Page 1, Section 1, in line 9 of the written bill, after the words "supplies and employes," insert the following: "or dependent members of their families."

2. Add Section 3a following Section 3, to read as follows:

"Sec. 3a. All laws or parts of laws in conflict with this act are hereby repealed."

PEELER, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 11,

Have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend preamble of resolution by striking out the word "people" in line two and inserting in lieu thereof the word "States."

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 2, A joint resolution to be entitled "A resolution proposing to amend the Constitution of the State of Texas by amending Article 16, Section 20, thereof by striking out and repealing said section, and substituting in lieu thereof a new Section 20, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, on and after the second Tuesday in January, A. D. 1912, within this State, except for medicinal, scientific and sacramental purposes, and providing that the Legislature of the State of Texas, shall at noon on the second Tuesday in January, A. D. 1912, by authority of this section, meet in session in the city of Austin and pass efficient laws to enforce this section; provided further, that this section shall not prevent any session of the Legislature from passing any law to enforce the same; and providing further, that all laws in force when this amendment is adopted, providing penalties or forfeitures in relation to the manufacture, sale, or transportation of intoxicating liquors, shall remain in full force and effect until modified or repealed; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment, directing a proclamation therefor and making certain provisions for said election, and the ballots thereof, and method of voting; prescribing certain duties for the Governor of this State, and making an appropria-

tion to defray the expenses of said election;"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be proposed.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

Senate bill No. 27, A bill to be entitled, "An Act to protect materialmen, artisans, mechanics, and laborers for material furnished, or labor performed on any buildings, improvements, fixtures, or articles on which they have furnished any material or performed any labor, and requiring any owner or original contractor on such buildings, improvements, fixtures or articles whatsoever, to see that all material furnished and labor performed on any such buildings, improvements, fixtures or articles have been fully paid for at a just and reasonable valuation, before such contractor shall receive his pay for performing any services under the terms of his contract, and giving a first lien to materialmen, artisans, mechanics and laborers, against such buildings, improvements, fixtures or articles for which they have furnished material, or upon which they have performed labor, and fixing the time and prescribing the method for filing liens and repealing all conflict herewith;"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, but the following Committee Substitute bill do pass in lieu thereof.

MAYFIELD, Chairman.

(Committee Substitute.)

A BILL

To be Entitled

An Act to protect materialmen, artisans, mechanics, and laborers for material furnished, or labor performed on any buildings, improvements, fixtures or articles on which they have furnished any material or performed any labor, and requiring any owner or original contractor on such buildings, improvements, fixtures or articles whatso-

ever, to see that all material furnished and labor performed on any such buildings, improvements, fixtures or articles have been fully paid for at a just and reasonable valuation, before such contractor shall receive his pay for performing any services under the terms of his contract, and giving a first lien to materialmen, artisans, mechanics and laborers, against such buildings, improvements, fixtures or articles for which they have furnished material, or upon which they have performed labor, and a lien against the land on which such buildings are located, and making the owner of such buildings, improvements, fixtures or articles, liable for the value of all material furnished and labor done, and fixing the time and prescribing the method for filing liens, and repealing all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That whenever any materialman has furnished any material in the construction of any buildings, improvements, fixtures or articles whatsoever, or whenever any artisan, mechanic, or laborer has performed any labor upon such buildings, improvements, fixtures or articles, such materialman, artisan, mechanic or laborer shall have the first lien upon such buildings, improvements, fixtures or articles, and the lot or lots or tract or tracts of land on which such buildings, improvements, fixtures or articles are situated or in connection therewith belonging to the owner of said buildings, improvements, fixtures or articles, for the value of all materials furnished, or the labor performed, provided that, should the proceeds arising from the foreclosure of such lien be insufficient to discharge the entire amount of such liens, such lien holders shall share ratably in such proceeds, and providing further, that all such parties claiming the benefit of this act shall have filed their liens as hereinafter required.

Sec. 2. It shall be the duty of every owner of any buildings, improvements, fixtures or articles, for which material has been furnished, or upon which labor has been performed, to see that all materials furnished for such buildings, improvements, fixtures or articles, and all labor performed thereon, have been fully paid for by any contractor or

contractors, before he pays any part of the contract price of such buildings, improvements, fixtures or articles, and such owner shall ascertain, at the end of each week from such contractor or contractors, the amount of indebtedness accrued against such buildings, improvements, fixtures or articles, during the week, and said owner shall forthwith pay all such indebtedness or reserve sufficient funds in his hands to pay same, before paying anything to such contractor, or contractors, provided that, in any event, should the original contract price of such buildings, improvements, fixtures, or articles be less than the cost of the material furnished and the labor performed in the construction of such buildings, improvements, fixtures, or articles, the lien herein provided for shall nevertheless be in effect against such buildings, improvements, fixtures or articles for the full amount of such material furnished or labor performed, till such lien or liens are fully extinguished by the payment of same.

Sec. 3. All materialmen's liens, artisans' or mechanics' or laborers' liens shall exist and be in effect for a period of thirty days from the date such buildings, improvements, fixtures or articles are completed, but to perpetuate such lien for a period longer than thirty days from the date of the completion of said work, such materialmen, artisans, mechanics or laborers shall file their lien with the county clerk of the county in which is located the property upon which said lien is claimed, and said lien shall be recorded in a book kept by the county clerk for that purpose, but any one, whether he be a materialman, artisan, mechanic or laborer, who shall not file his lien in the thirty days as herein provided, shall not share ratably in such buildings, improvements, fixtures or articles or the proceeds arising from the sale of same, under any foreclosure, with those who have thus perpetuated their liens by filing same.

Sec. 4. Any materialman, artisan, mechanic or laborer, who may have a lien against any buildings, improvements, fixtures or articles, under the provisions of this act, which he may desire to file, shall go before the county clerk of the county in which is situated the property against which said lien exists, and it shall be the duty of said clerk to make out the account or claim of such lien holder,

and to take his affidavit to same, and to file it, and make due record thereof in a book to be kept by him for that purpose, and for such services said clerk shall receive a fee of \$1.00 to be paid by said lien holder.

Sec. 5. No particular form shall be required of any materialman, artisan, mechanic or laborer, for any lien which he may have against any buildings, improvements, fixtures or articles, but it shall be sufficient if it state the amount of the indebtedness, when same accrued, and for what the indebtedness stands, and he shall make affidavit that such account is due, unpaid and that all just and lawful credits to which said accounts is entitled have been allowed, and for the purpose of making out such materialman's and laborer's claims to be filed as liens, the county clerk may keep blanks which he shall fill in at the request of any materialman, artisan, mechanic or laborer, and shall take the affidavit of any lien holder as above provided.

Sec. 6. The lien given under the provisions of this act shall not be considered to abolish or abrogate any lien or remedy which said lien owners may have independent of this act, and shall be considered as cumulative of any other remedy they may have.

Sec. 7. All laws and parts of laws in conflict herewith shall be repealed.

(Majority Report.)

Committee Room,

Austin, Texas, Jan. 26, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act to establish a school of agriculture for the instruction of white male children in the science of agriculture and horticulture, and the natural sciences connected therewith, and in civil engineering and other scientific and classical studies, relating to practical education in the pursuits of agriculture and horticulture, to be known as the North Texas Agricultural College, providing for the appointment of a local board of three directors, by and under the direction of the board of directors of the Agricultural and Mechanical College, providing that said North Texas Agricultural College

shall be a branch of the Agricultural and Mechanical College of Texas, making an appropriation for the purpose of this Act, fixing the location of said North Texas Agricultural College within the corporate limits of the city of McKinney, or within three miles thereof, in Collins County, Texas, providing for the appointment of a commission to inspect the site or sites and locate said college, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

Perkins, Chairman; Sturgeon, Real, Ratliff, Weinert, Warren, Collins, Parker.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act to establish a school of agriculture for the instruction of white male children in the science of agriculture and horticulture, and the natural sciences connected therewith, and in civil engineering and other scientific and classical studies, relating to practical education in the pursuits of agriculture and horticulture, to be known as the North Texas Agricultural College, providing for the appointment of a local board of three directors, by and under the direction of the board of directors of the Agricultural College shall be a branch of the Agricultural and Mechanical College of Texas making an appropriation for the purpose of this Act, fixing the location of said North Texas Agricultural College within the corporate limits of the city of McKinney, or within three miles thereof, in Collins County, Texas, providing for the appointment of a commission to inspect the site or sites and locate said college, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

Hume, Astin.

(By Unanimous Consent.)

Committee Room,

Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 27, A bill to be entitled "An Act to provide for the erection of a monument over the remains of General Stephen F. Austin, in the State Cemetery at Austin, Texas; to make an appropriation therefor, and declare an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

(By Unanimous Consent.)

Committee Room,

Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 94, A bill to be entitled "An Act to provide for the erection of a monument over the remains of Elizabeth Crockett, the wife of David Crockett, in the cemetery at Action, Hood County, Texas; to make an appropriation therefor, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 74, a bill to be entitled "An Act to provide for the eradication of sheep scab within the State, prohibiting the importation of scab-infected sheep, providing for a State inspector and county inspector of sheep, defining their duties, repealing Title 61 of the Revised Statutes of Texas, and all laws and parts of laws in conflict herewith, making an appropriation to carry this

Act into effect, prescribing penalties, and declaring an emergency;"

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senator Lattimore:

Petition numerously signed by members and officers of the First Texas Battalion, United Confederate Veterans, composed of Company A, Dallas; Company B, Fort Worth; Company C, Weatherford, and Company D, of Terrell, asking the Legislature to enact a law admitting said battalion into the State as a guard of honor, subject to the call of the Governor.

By Senator McNealus:

Petition signed by members of the Dallas Fire Department asking support of legislation securing to paid firemen free transportation or reduced rates on railroads while such members are in attendance upon their district or national conventions.

By Senator Adams:

Petition signed by members of W. C. T. U. of Ballinger, Texas, asking assistance and the use of all honorable means in the effort to eradicate polygamy and polygamist practices.

By Senators Cofer and Bryan:

Petition numerously signed by citizens of Grayson and Taylor Counties, respectively, of Texas, favoring enactment of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Bryan:

Petition numerously signed by members of the Order of the Sons of

Hermann asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Paulus:

Petition signed by members of Pestalozzi Lodge, No. 43, O. D. H. S., of Welcome, Austin County, Texas, asking the Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Kauffman:

Petition numerously signed by citizens of his district asking support of the measure known as the Texas Itinerant Drug Venders' Bill.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 30, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Astin.

Weinert.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)